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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,734

01/30/2006

Frank Holler

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9732

24113 7590 12/19/2006  
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EXAMINER

MAI, HUY KIM

ART UNIT

PAPER NUMBER

2873

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/520,734

Applicant(s)

HOLLER, FRANK

Examiner

Huy K. Mai

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Huy K. Mai*  
Examiner  
Art Unit 2873

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) filed Jan. 10, 2005 is acknowledged.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 14, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4 and 14, the word “preferably” renders the claim indefinite because it is unclear whether the limitation(s) following the word are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 16 and 17, the word “their” refers to which element?

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 9, 11-17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroaki (JP 2000-221439).

The limitations in claims 1-5, 9, 11-17 and 21 are shown in Hiroaki's Fig. 7. Hiroaki discloses a display device 3 comprising an image-generating element 7 for generating an image,

spectacles comprising spectacle lenses 4, first optics 8 comprising a coupling-in element 8 for coupling the generated image into the field of vision of a user wearing said spectacles, wherein the first optics 8 are mounted on a first one of the spectacle lenses 4 by means of a form-locking connection (4a, 3b, 3c), and the coupling-in element 8 is separated from the first spectacle lens 4 by a gap.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Yamazaki et al (6,573,952).

Hiroaki discloses a display device 3 comprising an image-generating element 7 for generating an image, spectacles comprising spectacle lenses 4, first optics 8 comprising a coupling-in element 8 for coupling the generated image into the field of vision of a user wearing said spectacles, wherein the first optics 8 are mounted on a first one of the spectacle lenses 4 by means of a form-locking connection (4a, 3b, 3c), and the coupling-in element 8 is separated from the first spectacle lens 4 by a gap. However, Hiroaki does not discuss a splitter and a deflecting mirror for folding the image into the wearer's eye. It was commonly known to those ordinary skill in the art that using a splitter or a deflecting mirror for changing the direction of a beam and folding the image into the wearer's eye as taught by Yamazaki et al, for example. It would have been obvious at the time the invention was made to those having ordinary skill in the art to

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modify the Hiroaki's device by utilizing a splitter or a deflecting mirror as a common knowledge for the purpose recognized in the art of Hiroaki, as discussed above.

8. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki.

Hiroaki discloses a display device 3 comprising an image-generating element 7 for generating an image, spectacles comprising spectacle lenses 4, first optics 8 comprising a coupling-in element 8 for coupling the generated image into the field of vision of a user wearing said spectacles, wherein the first optics 8 are mounted on a first one of the spectacle lenses 4 by means of a form-locking connection (4a, 3b, 3c), and the coupling-in element 8 is separated from the first spectacle lens 4 by a gap. However, Hiroaki does not discuss a further image generating element mounted on the second lens of the spectacles for providing stereoscopic image. It was commonly known to those ordinary skill in the art that using a second image generating element for providing stereoscopic viewing. It would have been obvious at the time the invention was made to those having ordinary skill in the art to modify the Hiroaki's device by utilizing a second image generating element for providing stereoscopic viewing as a common knowledge for the purpose recognized in the art of Hiroaki, as discussed above.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai  
Primary Examiner  
Art Unit 2873

HKM/  
December 13, 2006